

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGION IV
AND
THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGION VI**

The purpose of this memorandum is to establish the geographical areas and limits of responsibility of the pre-designated On-Scene Coordinator (OSC) for pollution responses. Responses include oil and hazardous substances pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Oil Pollution Act of 1990.

Regional Contingency Plans (RCP) and Area Contingency Plans (ACP) of the signatory agencies will be amended to reflect the following response boundaries.

For the purpose of emergency response, portions of the regional boundaries are changed. The common boundaries of Arkansas, Louisiana, Mississippi, and Tennessee are established as shown in:

Section I. Lower Mississippi River (LMSRV), Mile 828 to Mile 504. Boundary common to the LMSRV, Arkansas, Mississippi, and Tennessee.

Section II. Lower Mississippi River (LMSRV), Mile 504 to Mile 305. Boundary common to the LMSRV, Louisiana, and Mississippi.

Section III. Boundary common to Louisiana, Mississippi, and the Pearl River.

Section IV. Boundary common to Louisiana, Mississippi, and the Pearl River.

Section I.

The boundary is delineated by the LMSRV and mileage markers published by the U.S. Army Corps of Engineers (USACE). Beginning at the point of Mile 828 (intersection of the regional boundary between Environmental Protection Agency (EPA) Regions VI and VII on the LMSRV), hence southerly to Mile 504 (intersection of the state boundary between Arkansas and Louisiana on the LMSRV).

U.S. Environmental Protection Agency, Region IV:

This section of the LMSRV will be the responsibility of EPA Region IV, to include all response actions necessary and / or required to the water line on the Right Descending Bank (RDB) of the river or the levee of the RDB. All discharges or releases, or a substantial threat of such a discharge or release of a pollutant originating east of the water line or levee of the RDB will be the responsibility of EPA Region IV.

Included are discharges or releases from unknown sources or those classified as “mystery spills.”

Additionally, EPA Region IV has responsibility for:

- a. Notification of downstream water users.
- b. Notification of EPA Region VI and U.S. Coast Guard (USCG) Eighth District.
- c. Coordinating with the USACE for other notifications and warnings.

U.S. Environmental Protection Agency, Region VI:

EPA Region VI has the responsibility for all discharges or releases, or a substantial threat of such a discharge or release originating west of the water line or levee on the RDB. If a discharge or release reach and / or enter the water, EPA Region VI will be responsible for the response effort. Additionally, EPA Region VI has the responsibility for:

- a. Notification of downstream water users.
- b. Notification of EPA Region IV and U.S. Coast Guard (USCG) Eighth District.
- c. Coordinating with the USACE for other notifications and warnings.

Section II.

Continuing southerly on the LMSRV, starting at Mile 504 to Mile 305 (intersection of the state boundary between Louisiana and Mississippi on the LMSRV).

U.S. Environmental Protection Agency, Region VI:

This section of the LMSRV will be the responsibility of EPA Region VI, to include all response actions necessary and / or required to the water line on the Left Descending Bank (LDB) of the river or to the levee of the LDB. All discharges or releases, or a substantial threat of such a discharge or release of a pollutant originating west of the water line or levee of the LDB will be the responsibility of EPA Region VI. Included are discharges or releases from unknown sources or those classified as “mystery spills.”

Additionally, EPA Region VI has responsibility for:

- a. Notification of downstream water users.
- b. Notification of EPA Region IV and U.S. Coast Guard (USCG) Eighth District.
- c. Coordinating with the USACE for other notifications and warnings.

U.S. Environmental Protection Agency, Region IV:

EPA Region IV has the responsibility for all discharges of releases, or a substantial threat of such a discharge or release originating east of the water line or levee on the LDB. If a discharge or release reach and / or enter the water, EPA Region IV will be responsible for the response effort. Additionally, EPA Region IV has the responsibility for:

- a. Discharges and releases identified as the responsibility of EPA Region IV in Section I that may enter the Section II area.
- b. Notification of downstream water users.
- c. Notification of EPA Region VI and U.S. Coast Guard (USCG) Eighth District.
- d. Coordinating with the USACE for other notifications and warnings.

Section III.

Continuing from the water line or levee at Mile 305, LMSRV, hence easterly to the Pearl River. This portion of the Louisiana and Mississippi boundary is changed only from the intersection of the boundary and center-line of the Pearl River to the intersection of the boundary and the water line on the RDB of the Pearl River.

Section IV.

Continuing from the intersection of the Louisiana and Mississippi boundary and the water line on the RDB of the Pearl River, hence southerly to the southern limit of the Right-of-Way on U.S. Highway 90.

U.S. Environmental Protection Agency, Region IV:

This section of the Pearl River will be the responsibility of EPA Region IV, to include all response actions necessary and / or required to the water line on the RDB of the river. All discharges or releases, or substantial threat of such a discharge or release of a pollutant originating east of the water line on the RDB will be the responsibility of EPA Region IV. Included are discharges or releases from unknown sources or those classified as “mystery spills.” Additional responsibilities are the same as for the LMSRV.

U.S. Environmental Protection Agency, Region VI:

This section of the Pearl River, EPA Region VI has the responsibility for all discharges or releases, or a substantial threat of such discharge or release origination west of the water line on the RDB of the Pearl River. If a discharge or release reach and / or enter the water, EPA Region VI will be responsible for the response effort. Additional responsibilities are the same as for the LMSRV.

General.

- a. Either Region, when specifically requested by the other Region, may assume the functional OSC role and carry out all OSC responsibilities for a particular incident. The decision for acceptance will rest with the Region being requested to perform the OSC role, on an incident specific basis.
 - b. When either Region is notified of a discharge or release, or a substantial threat of such a discharge or release of a pollutant not in its area of responsibility, will notify the responsible Region. The reporting Region will assist in assessing the situation and to determine the need for a Federal response.
 - c. When a representative of either Region is the first Federal official arriving on-scene of a discharge or release crossing the response boundary, the representative will notify the responsible Region. The representative will accomplish the duties detailed in the NCP pending arrival of the pre-designated OSC.
1. Boundary lines do not preclude mutual assistance between the two agencies.
 2. Previous Memorandums of Understanding or agreements are replaced by this document.
 3. This agreement will be subject to review and amendment coincident with each periodic review of the RCP and ACP and any other time at the request of either of the parties. It will remain in effect until modified or terminated by mutual agreement.

signed:

Patrick M. Tobin *for*

Joe D. Winkle *for*

Date: 2-24-94

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